

Public Law 104-333
104 Congress

An Act

To provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, <<NOTE: Omnibus Parks and Public Lands Management Act of 1996. 16 USC 1 note.>>

Title V--Historic Areas and Civil Rights

Sec. 501. The Selma to Montgomery National Historic Trail

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end thereof the following new paragraph:

"(20) The Selma to Montgomery National Historic Trail, consisting of 54 miles of city streets and United States Highway 80 from Brown Chapel A.M.E. Church in Selma to the State Capitol Building in Montgomery, Alabama, traveled by voting rights advocates during March 1965 to dramatize the need for voting rights legislation, as generally described in the report of the Secretary of the Interior prepared pursuant to subsection (b) of this section entitled "Selma to Montgomery" and dated April 1993. Maps depicting the route shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The trail shall be administered in accordance with this Act, including section 7(h). The Secretary of the Interior, acting through the National Park Service, which shall be the lead Federal agency, shall cooperate with other Federal, State and local authorities to preserve historic sites along the route, including (but not limited to) the Edmund Pettus Bridge and the Brown Chapel A.M.E. Church." Approved November 12, 1996."

-CITE-

16 USC CHAPTER 27 - NATIONAL TRAILS SYSTEM

01/03/2007

-EXPCITE-

TITLE 16 - CONSERVATION

CHAPTER 27 - NATIONAL TRAILS SYSTEM

-HEAD-

CHAPTER 27 - NATIONAL TRAILS SYSTEM

-MISC1-

Sec.

- 1241. Congressional statement of policy and declaration of purpose.
- 1242. National trails system.
- 1243. National recreation trails; establishment and designation; prerequisites.
- 1244. National scenic and national historic trails.
- 1245. Connecting or side trails; establishment, designation, and marking as components of national trails system; location.
- 1246. Administration and development of national trails system.
- 1247. State and local area recreation and historic trails.
- 1248. Easements and rights-of-way.
- 1249. Authorization of appropriations.
- 1250. Volunteer trails assistance.
- 1251. Definitions.

Sec. 1244. National scenic and national historic trails

-STATUTE-

(a) Establishment and designation; administration

National scenic and national historic trails shall be authorized and designated only by Act of Congress. There are hereby established the following National Scenic and National Historic Trails:

(20) **The Selma to Montgomery National Historic Trail**, consisting of 54 miles of city streets and United States Highway 80 from Brown Chapel A.M.E. Church in Selma to the State Capitol Building in Montgomery, Alabama, traveled by voting rights advocates during March 1965 to dramatize the need for voting rights legislation, as generally described in the report of the Secretary of the Interior prepared pursuant to subsection (b) of this section entitled "Selma to Montgomery" and dated April 1993. Maps depicting the route shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The trail shall be administered in accordance with this chapter, including section 1246(h) of this title. The Secretary of the Interior, acting through the National Park Service, which shall be the lead Federal agency, shall cooperate with other Federal, State and local authorities to preserve historic sites along the route, including (but not limited to) the Edmund Pettus Bridge and the Brown Chapel A.M.E. Church.

Sec. 1246. Administration and development of national trails system

(d) Use and acquisition of lands within exterior boundaries of areas included within right-of-way

Within the exterior boundaries of areas under their administration that are included in the right-of-way selected for a national recreation, national scenic, or national historic trail, the heads of Federal agencies may use lands for trail purposes and may acquire lands or interests in lands by written cooperative agreement, donation, purchase with donated or appropriated funds or exchange.

(e) Right-of-way lands outside exterior boundaries of federally administered areas; cooperative agreements or acquisition; failure to agree or acquire; agreement or acquisition by Secretary concerned; right of first refusal for original owner upon disposal

Where the lands included in a national scenic or national historic trail right-of-way are outside of the exterior boundaries of federally administered areas, the Secretary charged with the administration of such trail shall encourage the States or local governments involved (1) to enter into written cooperative agreements with landowners, private organizations, and individuals to provide the necessary trail right-of-way, or (2) to acquire such lands or interests therein to be utilized as segments of the national scenic or national historic trail: Provided, That if the State or local governments fail to enter into such written cooperative agreements or to acquire such lands or interests therein after notice of the selection of the right-of-way is published, the appropriate Secretary may (i) enter into such agreements with landowners, States, local governments, private organizations, and individuals for the use of lands for trail purposes, or (ii) acquire private lands or interests therein by donation, purchase with donated or appropriated funds or exchange in accordance with the provisions of subsection (f) of this section: Provided further, That the appropriate Secretary may acquire lands or interests therein from local governments or governmental corporations with the consent of such entities. The lands involved in such rights-of-way should be acquired in fee, if other methods of public control are not sufficient to assure their use for the purpose for which they are acquired: Provided, That if the Secretary charged with the administration of such trail permanently relocates the right-of-way and disposes of all title or interest in the land, the original owner, or his heirs or assigns, shall be offered, by notice given at the former owner's last known address, the right of first refusal at the fair market price.

(f) Exchange of property within the right-of-way by Secretary of the Interior; property subject to exchange; equalization of value of property; exchange of national forest lands by Secretary of Agriculture; tracts lying outside trail acquisition area

(1) The Secretary of the Interior, in the exercise of his exchange authority, may accept title to any non-Federal property within the right-of-way and in exchange therefor he may convey to the grantor of such property any federally owned property under his

jurisdiction which is located in the State wherein such property is located and which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require. The Secretary of Agriculture, in the exercise of his exchange authority, may utilize authorities and procedures available to him in connection with exchanges of national forest lands.

(2) In acquiring lands or interests therein for a National Scenic or Historic Trail, the appropriate Secretary may, with consent of a landowner, acquire whole tracts notwithstanding that parts of such tracts may lie outside the area of trail acquisition. In furtherance of the purposes of this chapter, lands so acquired outside the area of trail acquisition may be exchanged for any non-Federal lands or interests therein within the trail right-of-way, or disposed of in accordance with such procedures or regulations as the appropriate Secretary shall prescribe, including: (i) provisions for conveyance of such acquired lands or interests therein at not less than fair market value to the highest bidder, and (ii) provisions for allowing the last owners of record a right to purchase said acquired lands or interests therein upon payment or agreement to pay an amount equal to the highest bid price. For lands designated for exchange or disposal, the appropriate Secretary may convey these lands with any reservations or covenants deemed desirable to further the purposes of this chapter. The proceeds from any disposal shall be credited to the appropriation bearing the costs of land acquisition for the affected trail.

(g) Condemnation proceedings to acquire private lands; limitations; availability of funds for acquisition of lands or interests therein; acquisition of high potential, route segments or historic sites

The appropriate Secretary may utilize condemnation proceedings without the consent of the owner to acquire private lands or interests therein pursuant to this section only in cases where, in his judgment, all reasonable efforts to acquire such lands or interests therein by negotiation have failed, and in such cases he shall acquire only such title as, in his judgment, is reasonably necessary to provide passage across such lands: Provided, That condemnation proceedings may not be utilized to acquire fee title or lesser interests to more than an average of one hundred and twenty-five acres per mile. Money appropriated for Federal purposes from the land and water conservation fund shall, without prejudice to appropriations from other sources, be available to Federal departments for the acquisition of lands or interests in lands for the purposes of this chapter. For national historic trails, direct Federal acquisition for trail purposes shall be limited to those areas indicated by the study report or by the comprehensive plan as high potential route segments or high potential historic sites. Except for designated protected components of the trail, no land or site located along a designated national historic trail or along the Continental Divide National Scenic Trail shall be subject to the provisions of section 303 of title 49 unless such land or site is deemed to be of historical significance under appropriate historical site criteria such as those for the National Register of Historic Places.

BRIEFING STATEMENT

Bureau: National Park Service
Issue: Request to Transfer Ownership of Lowndes County Interpretive Center to the National Park Service
Park: Selma to Montgomery National Historic Trail
Date: October 18, 2007

Key Points:

Lowndes County Interpretive Center:

- **Function:** This Interpretive Center serves as the initial point of visitor contact until the development of the Selma/Dallas County and Montgomery County Interpretive Centers. It provides essential services and facilities for visitors and staff members of the Selma to Montgomery National Historic Trail (SEMO). The National Park Service (NPS) and visitors use more than 90% of the facility for interpretive exhibits, offices, break room, Eastern National bookstore, theater, storage space, restrooms and parking.
- **Location:** It is located in White Hall, Alabama, the half-way point along the SEMO, in the northwest quadrant of the intersection of U.S. Highway 80 and Lowndes County Road 23.
- **Cost:** Building construction and the parking area cost \$7 million. Exhibits, other interpretive material and media, and artifacts cost nearly \$3 million. The Scenic Byway program was the funding source (80% Federal Highway Administration and 20% Alabama Department of Transportation).
- **Annual Costs:** \$272,700.00, utilities, staffing, equipment & supplies support referenced in PAMP Report completed on September, 2007 (attachment "A"). It identifies various costs as stated above needed to maintain and operate the facility. Selma to Montgomery NHT current operating funds is \$358.2K which includes some of the Traditional Budget Plan cost and an anticipated FY 08 increase of \$253K is identified in the FY 2008 Greenbook. With the additional funding the trail can operate the facility with some changes to various operational requirements.

Background:

- January 1996: the Selma to Montgomery route was designated as a Scenic Byway and All-American Road.
- November 12, 1996: the National Trails System Act (16 USC 1246, et seq.), as amended by Public Law 104-333, 9104 Stat. 1309, USC 12419a) (20)(A) established SEMO.
- A Comprehensive Management Plan (2005) and Alabama Department of Transportation Master Plan (1999) have been completed for SEMO and the All American Road-National Scenic Byway respectively.
- The US. Department of Interior, National Park Service and U. S. Department of Transportation, Federal Highway Administration (FHWA) consummated at General Agreement (January 15, 1997, signed off by FHWA Administrator, Secretary of Transportation, National Park Service Director and Secretary of Interior) identifying the

partnership between the two federal agencies. The agreement outlines FHWA and NPS will coordinate program plans, resources and technical assistance to maintain, enhance, and interpret the 1965 Voting Rights March and events.

- The Comprehensive Management Plan identify three interpretive centers for SEMO:
 - Lowndes County Interpretive Center in Lowndes County, Alabama (Lowndes IC).
 - Selma/Dallas County Interpretive Center in Selma, Alabama (Selma IC)
 - Montgomery County Interpretive Center in Montgomery, Alabama (Montgomery IC)

Current Status:

- The Lowndes County IC is completed and Alabama Department of Transportation (ALDOT) has requested that NPS take ownership. NPS has stressed that the proposed management arrangement continues as approved in the NPS's Comprehensive Management Plan and ALDOT's Master Plan. Both plans does not emphasize ALDOT retain ownership of the Lowndes IC, it emphasize the funding source as ALDOT & FHWA for all sites via Scenic Byway or Transportation enhancement funds. Both plans recommend funding through Scenic Byway and/or Transportation Enhancement monies to develop and maintain the historic route. Both documents emphasize NPS's role in providing the interpretive staffing and programming for the historic trail and facilities. The former superintendent verbally communicated to our partners that once the Lowndes County IC is constructed NPS will take ownership—this was verified by NPS staff and ALDOT staff.
- The Lowndes County IC has been opened since August 2006. ALDOT insists on transferring ownership to NPS and has forwarded an amendment to the current management agreement signed in July 2006. The amendment dated October, 2007 is requesting ALDOT Quitclaim deed the Lowndes IC to NPS (attachment "B").

Contact:

Catherine F. Light, Superintendent, 334-727-6390